

CHAPTER 1. GENERAL PROVISIONS

1-1. TITLE

These regulations will be known and may be cited as "The Ravalli County Subdivision Regulations" (RCSR), hereinafter referred to as "these regulations" or "this code."

1-2. AUTHORITY

Authorization for these regulations is contained in the Montana Subdivision and Platting Act (MSPA). [Title 76, Chapter 3, MCA.].

1-3. PURPOSE

These regulations are consistent with Title 76, Chapter 3, Part 5, MCA and the Ravalli County Growth Policy, and are intended to reasonably provide for:

- a. The orderly development of their jurisdictional areas;
- b. The coordination of roads within subdivided land with other roads, both existing and planned;
- c. The dedication of land for roadways and for public utility easements;
- d. The improvement of roads;
- e. The provision of adequate open spaces for travel, light, air, and recreation;
- f. The provision of adequate transportation, water, and drainage;
- g. The regulation of sanitary facilities, subject to the provisions of 76-3-511;
- h. The avoidance or minimization of congestion; and
- i. The avoidance of subdivisions that would involve unnecessary environmental degradation and danger of injury to health, safety, or welfare by reason of natural hazard or the lack of water, drainage, access, transportation, or other public services or that would necessitate an excessive expenditure of public funds for the supply of the services.

1-4. JURISDICTION

These regulations govern the subdivision of land within the jurisdictional area of the governing body of Ravalli County.

If a proposed subdivision lies within one mile of a third-class city or town or within two miles of a second-class city or within three miles of a first-class city, the County must submit the subdivision application to the city or town governing body or its designated agent for review and comment. Refer to Sections 3-2-4(b)(v) and 3-3-4(b)(v) for notice requirements. If a proposed subdivision lies partly within an incorporated city or town, the subdivision application must be submitted to, and approved by, both the city or town and the county governing bodies.

If a proposed subdivision is located in a rural school district, the County shall provide a summary of the information contained in the subdivision application and preliminary plat to school district trustees.

When a proposed subdivision is also proposed to be annexed to a municipality, the governing body of the municipality will combine the city and county public hearings and otherwise coordinate the subdivision review process and annexation procedures whenever possible.

Chapter 1

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These regulations supplement all other regulations, and where they are at variance with other laws, regulations, ordinances, or resolutions, the more restrictive requirements apply. Other regulations include, but are not limited to, zoning regulations, floodplain regulations, building codes, development codes, environmental health regulations, and fire codes.

1-5. RELATIONSHIP OF THIS CODE TO OTHER REGULATIONS

If the requirements of the Ravalli County Subdivision Regulations conflict with any other local, state, or federal rule or regulation, in general the most restrictive requirement of those that impose the highest standard shall control. However, with respect to the road standards adopted in Chapter 5, Table A-1, and referenced in Table B-1, any conflicts or inconsistencies shall be interpreted pursuant to the following hierarchy, with (a) having weight over (b) and (b) over (c), etc.:

- a. Specific provisions of Montana Law, including the Montana Code Annotated and the Administrative Rules of Montana;
- b. The Federal Highway Administration's (FHWA) Manual on Uniform Traffic Control Devices (2003 and updates);
- c. Specific provisions of the Ravalli County Subdivision Regulations;
- d. The American Association of State Highway and Transportation Officials (AASHTO) Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT \leq 400) (2001 and updates);
- e. The AASHTO Policy on Geometric Design of Highways and Streets (2001 and updates);
- f. The Montana Public Works Standard Specifications, 5th Edition (2003 and updates);
- g. The AASHTO Guide for design of pavement structures (1993 and updates).

1-6. AMENDMENT OF REGULATIONS

Before the governing body amends these regulations it will, at a minimum, hold a public hearing on the proposed amendment(s). Notice of the time and place of the public hearing must be published in a newspaper of general circulation in the county not less than fifteen (15) calendar days or more than thirty (30) calendar days before the date of the hearing.

1-7. ADMINISTRATION

1-7-1. Enforcement

Except as provided in 76-3-303, MCA, and these regulations, every final subdivision plat must be filed for record with the County Clerk and Recorder before title to the subdivided land can be sold or transferred in any manner. If unlawful transfers are made, the County Attorney may commence action to enjoin further sales or transfers and compel compliance with all provisions of the MSPA and these regulations. The cost of this action may be imposed against the party not prevailing.

1-7-2. Violation and Penalties

Any person, firm, corporation, or other entity who violates any of the provisions of the MSPA or these regulations is guilty of a misdemeanor punishable by a fine of not less than \$100 nor more than \$500 or by imprisonment in jail for not more than three months or by both fine and imprisonment. Each sale, lease, transfer, or offer of sale, lease, or transfer of each separate parcel of land in violation of any provision of the MSPA or these regulations shall be deemed a separate and distinct offense. Also refer to Sections 1-7-1 and 3-1-2.

1-7-3. Appeals

Refer to 76-3-625, MCA for the appeals procedure. (Copies are available at the Planning Department.)

1-8. SEVERABILITY

If a court of competent jurisdiction holds any word, phrase, clause, sentence, paragraph, section, or other part of these regulations invalid, that judgment will affect only the part held invalid.